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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,962	08/25/2003	Wei Zhao	9400-44	3021
36072 7590 07/02/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
CHO, UN C				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,962

Applicant(s)

ZHAO ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5, 9, 11 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Grey (US 2004/0203873 A1) in view of Karaoguz et al. (US 2004/0203890 A1) and further in view of Bahl et al. (US 2004/0204071 A1).

Regarding claim 1, Grey discloses receiving a mobile user request for a location of a wireless network access point via a user terminal (Grey: Page 4, Paragraph 0035, lines 1 – 7 wherein the user requests position and/or direction to one or more nearby WLAN access points so that the user can have access to the Internet); identifying a geographic location of the mobile user responsive to receiving the user request (Grey: Page 4, Paragraph 0036, lines 1 – 8); and identifying a wireless network access point convenient to the user (Grey: Page 4, Paragraph 0035, lines 1 – 7 and Paragraph 0037, lines 1 – 22).

However, Grey as applied above does not specifically disclose wherein the user request comprises one or more amenities including one or more of a hotel, a restaurant, a store, a park and an airport; identifying a geographic location of the mobile user responsive to receiving the user request; and identifying a wireless network access point convenient to the user that provides

access to the one or more amenities based on stored data including the physical location or address of a wireless network and the amenities available at or near the wireless network; wherein the user request includes a particular service provider associated with the wireless network and identifying a wireless network access point further comprises identifying a wireless network access point provided by the particular service provider. In an analogous art, Karaoguz remedies the deficiencies of Grey by disclosing such limitation wherein the user of the wireless device queries an access point controlling the hotspot about specific goods and/or services provided at the hotspot location located within the range of the wireless device (Karaoguz: Page 4, Paragraph 0041, lines 1 – 18) and identifying a hotspot within the range of the user of the wireless device that provides access to one or more goods and/or services including the physical location of a hotspot (Karaoguz: Page 3, Paragraph 0035, line 1 through Paragraph 0037, line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Karaoguz to the system of Grey in order to provide a user-friendly and effective method of providing hotspot locations as well as tailored information regarding services available at a specific hotspot within range of the user.

However, Grey in view of Karaoguz as applied above does not specifically disclose wherein the user request includes a particular service provider associated with the wireless network and identifying a wireless network access point further comprises identifying a wireless network access point provided by

the particular service provider. In an analogous art, Bahl remedies the deficiencies of Grey in view of Karaoguz by disclosing such limitation wherein a user keeps a profile having user preferences, wherein the user preferences comprises of different parameters including, data speed, power consumption, cost, *preferred service provider*, access point conditioning, signal strength, etc., thus, the user takes into account all the parameters while selecting an access point to communicate with (Bahl: Page 4, Paragraph 0038, line 1 through Page 5, Paragraph 0039, line 12 and Paragraph 0045, lines 1 – 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bahl to the modified system of Grey in view of Karaoguz in order to provide a new and improved wireless discovery and configuration protocol that will enable wireless clients that can communicate via various wireless protocols to discover each other and negotiate a desirable, common protocol for use between them.

Regarding claim 2, Grey as applied above discloses communicating the identified wireless network access point to the user (Grey: Page 4, Paragraph 0038, line 1 through Paragraph 0039, line 7).

Regarding claim 3, Grey as applied above discloses locating a wireless communication signal from the user terminal (Grey: Page 4, Paragraph 0036, lines 1 – 8).

Regarding claim 4, Grey as applied above discloses comparing the geographic location of the user to known locations of a plurality of access points (Grey: Page 4, Paragraph 0037, lines 1 – 22).

Regarding claim 5, Grey as applied above discloses calculating a travel time between the user location and each of the plurality of wireless network access points (finding the nearest WLAN access point to the user, whereas in order to find the nearest the system must obviously calculate a travel time between the user location and each of the plurality of wireless network access points); and selecting one of the plurality of wireless network access points having the shortest travel time (Grey: Page 4, Paragraph 0037 line 1 through Paragraph 0038, line 9).

Regarding claim 9, Karaoguz as applied above discloses wherein the amenities include a type of facility and/or service available in the vicinity of the wireless network access point (goods and/or services available in the vicinity of the hotspot location; Karaoguz: Page 4, Paragraph 0041, lines 1 – 18).

Regarding claim 11, Grey as applied above discloses communicating directions from the user location to the selected wireless network access point (Grey: Page 4, Paragraph 0038, lines 1 – 9).

Regarding claim 12, Grey as applied above discloses communicating information concerning services to the user terminal (nearby WLAN access points position and/or direction is provided to the user; Grey: Page 4, Paragraph 0035, lines 1 – 7).

Regarding claim 13, Grey as applied above discloses wherein the wireless network is a broadband wireless network (Grey: Page 3, Paragraph 0033, lines 1 – 24).

Regarding claim 14, Grey as applied above discloses wherein the broadband wireless network is a WiFi network (802.11 is the standard for WiFi network; Grey: Page 3, Paragraph 0033, lines 1 – 24).

Regarding claim 15, Grey as applied above discloses wherein the user terminal is a mobile communications device (Grey: Page 2, Paragraph 0021, line 1 through Paragraph 0022, line 17).

Regarding claim 16, Grey as applied above discloses wherein the user terminal is a computer processor terminal (Grey: Fig. 6, element 18 represents the mobile appliance having a processor (Fig. 6, element 180)).

Regarding claims 17 and 20, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Regarding claims 18 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 4.

Regarding claims 19 and 22, the claims are interpreted and rejected for the same reason as set forth in claim 5.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grey in view of Karaoguz and in view of Bahl as applied to claim 5 above and further in view of Barnes Jr. (US 2005/0136949 A1 hereinafter Barnes).

Regarding claims 6 and 7, Grey in view of Karaoguz and in view of Bahl as applied above does not specifically disclose wherein calculating a travel time is based on distance and road conditions and wherein the road conditions comprise real-time traffic conditions. In an analogous art, Barnes remedies the deficiencies of Grey in view of Karaoguz and in view of Bahl by disclosing that once a PI is identified (from a user request), the information is supplied to the user as directions, the closest PI, the distance and any traffic delays (Barnes: Page 15, Paragraph 0151, lines 1 – 16; Paragraph 0154, lines 1 – 17; Page 16, Paragraph 0159, lines 1 – 15; Paragraph 0156, line 1 through Paragraph 0157, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Barnes to the modified system of Grey in view of Karaoguz and in view of Bahl in order to allow the user to judge how long it will take to arrive at the location so that the user may take actions accordingly (Barnes: Page 17, Paragraph 0169, lines 1 – 11).

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 7, 9, 11 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571)272-7919. The examiner can normally be reached on M ~ F 9:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/U. C. C./
Examiner, Art Unit 2617